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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/690,528	10/23/2003	Miwako Doi	244157US2SRDDIV	9094
22850	7590	11/05/2008		
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314				
EXAMINER				
TORIMERO, ADETOKUNBO OLUSEGUN				
ART UNIT		PAPER NUMBER		
3714				
NOTIFICATION DATE		DELIVERY MODE		
11/05/2008		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/690,528

Applicant(s)

DOI ET AL.

Examiner

ADETOKUNBO O. TORIMIRO

Art Unit

3714

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 July 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 43-48 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 43-48 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. The amendment received on 07/21/2008 has been considered. It as been noted that claims 43,45,47, and 48 have been amended.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 43,45,47, and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rautila (US 6,524,189) in view of Sagesaka et al (US 5,619,361).

Re claims 43,45,47, and 48: Rautila teaches a service system, comprising a portable terminal (200, 310); a processing machine body/mainframe (330) which performs a service in accordance with service information from the portable terminal; and an external station (320) capable of communicating with the portable terminal by short distance wireless, the portable terminal (200) including a first receiving (260) to receive game information on an execution progress of the service from the processing machine body (see **abstract; figs.2 and 3; cols.2 and 4**); a storing section configured to store history information on the user who possesses the portable terminal, on the basis of the received progress information (see **col.6, lines 36-52**); a second receiving section (262) configured to receive, from the external station (320), service information and guidance information indicating another external station which is different from the external station and is capable of acquiring another service information which is different

from the service information when the portable terminal reaches an area of the short distance wireless / *Bluetooth*; a first transmitting section (260) configured to transmit the received service information to the processing machine body; a second transmitting section (262) configured to transmit the history information to the external station when the portable terminal reaches the area of the short distance wireless / *Bluetooth*.

However, Rautila does not explicitly teach a guiding section configured to guiding the user to said another external station on the basis of the guidance information, the external station including a third receiving section configured to receive the history information transmitted from the portable terminal when the portable terminal reaches the area of the short distance wireless; a generating section configured to generate the service information by referring to the received history information; and a third transmitting section configured to transmit the guidance information and the generated service information to the portable terminal.

Sagesaka et al teaches a section configured to instructing the user to said external station / *base station* on the basis of the guidance information, the external station including a receiving section configured to receive the history information transmitted from the portable terminal when the portable terminal reaches the area of the short distance wireless; a generating section configured to generate the service information by referring to the received history information; and a transmitting section configured to transmit the game information and the generated service information to the portable terminal (**see col.2, lines 25-40**).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to make this combination of the teachings of Rautila and Sagesaka so has to

have a system with a two way communication thereby making the game more realistic and hence increasing the player enjoyment of the game.

4. Claims 44 and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rautila (US 6,524,189) in view of Sagesaka et al (US 5,619,361) and further in view of Iemura (US 5,943,340).

Re claims 44 and 46: Rautila teaches the generating section of the external station allows the service information to include privilege information when the access history information satisfies a predetermined condition (**see col.6, lines 39-52**).

However, Rautila and Sagesaka do not explicitly teach wherein the history information stored in the storing section of the portable terminal includes access history information which indicates a history that the portable terminal has accessed the external station.

Iemura teaches wherein the history information of the portable terminal includes access history information which indicates a history that the portable terminal has accessed the external station / base station (**see col.1, lines 6-16; col.2, lines 42-67**).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Rautila, Sagesaka et al, and Iemura. One would be motivated to do this so as to have a system whereby records of users access of the portable to the external station is kept and where the history is used to determine the access privileges of the user.

Response to Arguments

5. Applicant's arguments filed 07/21/2008 have been fully considered but are not persuasive.

In response to applicant's argument that Rautila is silent regarding whether the message is sent directly from another player's game unit or from the base station, the examiner disagrees. The examiner points out that fig.3, it is shown that a portable device/mobile phone is in constant communication with the base station as well as col.2, lines 46-67 teaches clearly on the portable device being in communication with the base station and other portable user devices.

In response to the argument that neither Rautila nor Sagesaka fail to disclose or suggest a second receiving section..., the examiner disagrees. The examiner points out that Rautila teaches a second receiving/transmission section in fig.2 with the teaching on transceiver 2.

In response to the argument that Sagesaka is silent and fails to suggest or disclose a guiding section configured to guide user to another external station on the basis of guidance information, the examiner disagrees. The examiner points out that the summary of invention section of Sagesaka and cols.2 and 3 teach this limitation. The examiner points specifically to lines 29-34 of col.2 that teaches the feature of transmitting/processing of machine designating information based on the feedback gotten from the portable device also found in col.3. This information includes as interpreted, information of every data that affects the functionality of the system of the portable device.

In response to the argument that the combination of Rautila and Sagesaka fails to suggest a third transmitting section configured to transmit guidance information for indicating another external station, the examiner disagrees. The examiner points out that in addition to the above

response that the combination of Sagesaka and Rautila teaches this feature of third transmitting section since Rautila teaches the first and second transmitter, combining and modifying Rautila with Sagesaka's transmitting section provides the third transmitting section.

In response to the argument that it would not have been obvious to one of ordinary skill in the art at the time the invention was made to combine Rautila and Sagesaka, the examiner disagrees. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, both Rautila and Sagesaka teach a network processing system. It is also well known that for a mobile phone as taught by Rautila, for signal to be received/acquired from the nearest signal tower, therefore it is obvious for a portable mobile phone network system to require and utilize information about close base stations for easy access to transmitted/received information and data.

In response to the applicant's argument regarding claims 45-48, the examiner disagrees in light of the responses already presented above on the similar arguments.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adetokunbo O. Torimiro whose telephone number is (571) 270-1345. The examiner can normally be reached on Mon-Fri (8am - 4pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on (571) 272-4690. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

/A. O. T./

Examiner, Art Unit 3714

/John M Hotaling II/

Supervisory Patent Examiner, Art Unit 3714